

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL S. JOHNSON, DONNA DYMKOWSKI,  
PATRICIA LONG-CORREA, ANTONIO  
SAMUEL, VINCENT HALL, ANGELETTE  
WATERS, Individually, and on behalf of the Class,

Civil Action No. 1:07-CIV 8473

Plaintiffs,

-against-

NEXTEL COMMUNICATIONS, INC., a Delaware  
Corporation, LEEDS, MORELLI & BROWN, P.C.,  
LENARD LEEDS, STEVEN A. MORELLI,  
JEFFREY K. BROWN, JAMES VAGNINI,  
FREDERIC DAVID OSTROVE, BRYAN  
MAZOLLA, SUSAN FITZGERALD, and JOHN and  
JANE DOES 1-10, (a fictitious designation for  
presently unknown Defendants),

Defendants.

**DECLARATION OF TRACI L. VAN  
PELT, ESQ. IN SUPPORT OF  
MOTION FOR APPEARANCE PRO  
HAC VICE PURSUANT TO  
LOCAL RULE 1.3(C)**

-----X  
I, **TRACI L. VAN PELT, ESQ.**, pursuant to 28 U.S.C. § 1746, hereby declare  
the following:

1. I am an attorney-at-law admitted to practice law in the States of California  
and Colorado, and a member of the law firm of McConnell, Siderius, Fleischner,  
Houghtaling & Craigmile, LLC, which is located at the Denver Corporate Center, Tower  
I, 4700 S. Syracuse, Suite 200, Denver, Colorado.

2. I have been admitted to practice in the State of California since 1994; the  
State of Colorado since 1995; the United States Supreme Court since 2005; the U.S.  
Ninth Circuit Court of Appeals since 1994; the U.S. Tenth Circuit Court of Appeals since  
1995; the U.S. District Court for the Northern District of California since 1994; and the  
U.S. District Court for the District of Colorado since 1996. I have not been denied

admission to, nor have I been subject to formal discipline by any Court. I further certify that I am currently in good standing with these bars admissions. Copies of Certifications of good standing from both California and Colorado are annexed hereto as Exhibits "A" & "B" respectively.

3. This Certification is submitted in support of my application for *pro hac vice* admission before this Court.

4. Rivkin Radler LLP, with offices located at 926 RexCorp Plaza, Uniondale, New York 11556, is currently counsel of record in this matter, and agrees to continue to serve as local counsel on behalf of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. pursuant to Local Rule 1.3(c) and to comply with all Rules of Practice set forth under both the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

5. My Firm currently represents defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. I have therefore developed expertise in litigating the precise issues arising from and related to this case. I have also become familiar with the policies, procedures and legal positions of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq.

6. This case is a purported class action. As against defendants Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq., Plaintiffs seek certification of a sub-class comprised of those persons who timely requested exclusion from a class action filed against these same defendants in the State of

Colorado. I was counsel of record in the Colorado class action lawsuit from which the sub-class asserting claims against Leeds, Morelli & Brown, P.C. requested exclusion. That matter is captioned Foster, et al. v. Leeds, Morelli & Brown, P.C., et al., Case No. 2002CV1484, Arapahoe County District Court, State of Colorado.

7. The Foster class action case was settled pursuant to the C.R.C.P. 23.1 fairness approval process. A final order approving that settlement was entered. In that Order, the Colorado District Court released all claims asserted by 548 of the 587 claimants against Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq. The Colorado class action case was based upon the identical underlying matter as the case at bar.

8. I and my colleagues, Mssrs. Michael McConnell and Steinmetz, just defended a suit filed by two purported class members who requested timely exclusion from the Colorado class action and who are also purported members of the putative sub-class in the case at bar. That matter is captioned McNeil, et al. v. Leeds, Morelli & Brown, et al., Denver District Court, State of Colorado, Case No. 2003CV893. The McNeil matter had been pending for 4½ years and has just been tried to a jury which resulted in a defendants' verdict.

9. As a result of my representation of Leeds, Morelli & Brown, et al. in the Colorado class action case (Foster, et al. v. Leeds, Morelli & Brown, et al.) and the case filed by two claimants who timely requested exclusion from the Colorado class action (McNeil v. Leeds, Morelli & Brown, et al.), I have acquired substantial knowledge concerning the facts and legal issues involved in this case.

10. My practice focuses on the defense of professional liability matters, and in that capacity I have developed an expertise in handling legal malpractice matters similar to the case at bar.

11. Defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. have requested that I represent them in this action, and perform all services and functions as required under the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

12. I shall abide by the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York, including all disciplinary rules.

13. I shall notify the Court immediately of any matter affecting my standing with the bar of any other Court.

I declare, under penalties of perjury, that the foregoing is true and correct.

Dated: November 15, 2007

By: /s/ Traci L. Van Pelt  
TRACI L. VAN PELT, ESQ.